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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,350	12/07/2001	James D. Thackston	55536.000008	7865

7590

07/18/2005

McGUIRE WOODS LLP
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MCLEAN, VA 22102

EXAMINER

RAO, SHEELA S

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,350

Applicant(s)

THACKSTON, JAMES D.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-35,37-39,41-49,51-53,55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-35,37-39,41-49,51-53,55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed in response to the Final Rejection has been received and entered.
2. Upon review and consideration of the amendments made to the claim language and Applicant's arguments, **the finality of the instant application is withdrawn**; therefore, prosecution of the application is reopened.
3. Claims 28-35, 37-39, 41-49, 51-53, and 55-56 are pending and presented for examination. As per the amendment, claims 29, 31, 32, 34, 37, 41, 43-46, 48, 51, 53, 55, and 56 have been amended and claims 36, 40, 50, and 54 have been cancelled.

Response to Amendment

4. The objection made to the specification as containing grammatical inconsistencies is **withdrawn** in light of the amendments made to the specification.
5. The rejection of claims 30, 32-36, 40-41, 44, 46, 48, 50, and 54-55 under 35 USC §112, first paragraph, is **withdrawn** in light of the amendments made to the claims and the citations identified at pages 11-12 of the response filed.
6. The rejection of claims 28-56 under 35 USC §102(e) as being anticipated by Thackston in USPN 6,295,513 B1 is **withdrawn** in light of the declaration filed since the inventive entity of both the application and patent of reference are by the same inventive entity.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28-35, 37-39, 41-49, 51-53, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., US Patent No. 5,862,223.

Walker et al. (hereinafter "Walker") teach of a method and apparatus for matching experts with the services that they provide to consumers that require or are interested in such services. In doing so, Walker presents the elements as claimed in the instant invention to carry out the patented invention. As can be understood throughout the detailed description of the disclosure, a central controller is used to transmit data or information in the form of images or text via a network to the experts, i.e. vendors, as solicited by the consumer. See col. 12: ll. 66, et seq.; col. 15: ll. 10-42; col. 19: ll. 46, et seq. In addition, Walker uses databases to map each of the experts with their relative area and level of expertise among other information, i.e. a processor for mapping instructions associated with the features of the article for design. The environments for which experts are available in the system as taught by Walker vary to a great extent, i.e. the vendors are from distinct and unrelated business entities. See col. 25: ll. 21, et seq. Upon further review of the references disclosure, it can be seen that a form of authentication with the use of a digital signature or similar form of identification is explained. See col. 30: ll. 45, et seq. ; col. 31 : ll. 61-62.

Walker fails to particularly point out or suggest the rendering of a three-dimensional representation for an article design. However, as aforementioned in the explanation of the various embodiments of the patented invention, it is stated that applications are available to build information solutions for digital information including text, images, and multimedia data types. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented three-dimensional image representations to the experts or vendors so that they can better visualize and interpret the desired request. Furthermore, the use of three-dimensional images or representations in computer based processes or electronic commerce environments will only enhance the designing and planning aspect.

The objectives or use of the invention stated in the preamble is not given any weight, as the entity cited is not identified among the elements of the textual portion of the instant claims, i.e. there is no nexus

between the claim language and the preamble. The instant claims are rejected solely on the limitations stated in the body of the claim language.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Popolo . USPN 5,715,402
Walker et al. USPN 5,794,207
Doyle et al. USPN 5,838,906
Sipman et al. USPN 6,889,325 B1

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheela S. Rao
Patent Examiner
Art Unit 2125